

## DELHI GOVT.'S DUTIES REMAIN, SAYS CENTRE

Relevant for: Indian Polity | Topic: Issues and Challenges Pertaining to the Federal Structure, Dispute Redressal Mechanisms, and the Centre-State Relations

The Union Home Ministry said on Thursday that the Government of National Capital Territory (GNCTD) Amendment Act, 2021 “in no way alters the constitutional and legal responsibilities of the elected government” to take necessary action in areas of health and education.

In a press statement, the Ministry issued a notification that the provisions of the Act would come into effect from April 27. The Act passed by Parliament on March 24 gives more teeth to the office of the Lieutenant Governor (L-G) of Delhi.

The Act amended Sections 21, 24, 33 and 44 of the 1991 Act saying that “government” in the national capital territory of Delhi means the Lieutenant-Governor of Delhi. The Act gives discretionary powers to the L-G even in matters where the Legislative Assembly of Delhi is empowered to make laws.

The Act also seeks to ensure that the L-G is “necessarily granted an opportunity” to give an opinion before any decision taken by the Council of Ministers (or the Delhi Cabinet) is implemented.

“The objective of the Amendment Act is to make it more relevant to the needs of the capital; further define the responsibilities of the elected government and the Lt. Governor (LG); and, create a harmonious relationship between the Legislature and the Executive. The Amendment would ensure better governance in the NCT of Delhi and lead to improved implementation of schemes and programmes meant for the common people of Delhi,” the Ministry said on Thursday.

### **In line with SC**

It added that the amendments are consistent with the existing legal and constitutional provisions, and are in line with the two judgments of the Supreme Court on July 4, 2018 and February 14, 2019, respectively.

“The amendments to the GNCTD Act, 1991, in no way alter the constitutional and legal responsibilities of the elected government to take necessary action, in respect of the subjects transferred to them in the State and Concurrent Lists of the Constitution of India, including subjects such as health, education, etc,” the Ministry said.

The notification to implement the Act came a day after the Delhi High Court cautioned the Delhi government to put its “house in order” over the issue of inadequate oxygen supply in the city, adding that the Centre would be asked to take over if the Delhi government couldn’t manage the situation created by the pandemic at hand.

Delhi is a Union Territory with a legislature and it came into being in 1991 under Article 239AA of the Constitution inserted by ‘the Constitution (Sixty-ninth Amendment) Act, 1991. As per the parent Act, the legislative assembly of Delhi has power to make laws in all matters except public order, police and land.

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